

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

81047955

First named inventor: Michael Choi

Application No.: 09/909,430

Art Unit: 3747

Filed: July 19, 2001

Examiner: Hai Huynh

Title: FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN INTERNAL COMBUSTION ENGINE

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

01/19/2006 STEUMEL1 00000108 061510 09909430

01 FC:1453 1500.00 DA

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of an Amendment (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

January 18, 2006

Date

John D. Russell

47,048

Typed or printed name

Registration Number, if applicable

806 SW Broadway, Suite 600

503-459-4141

Address

Telephone Number

Portland, Oregon 97205

Address

Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

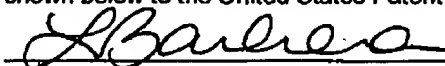
I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

January 18, 2006

Date



Signature

Lauren Barberena

Typed or printed name of person signing certificate

performed a search of the file jacket which also indicates that the Office communication was not received. Thus, the undersigned has performed a search of the attached docket records and the file jacket where the non-received Office communication would have been entered had it been received and docketed.

If any further information or details are required, the Office is requested to contact the undersigned.

In the event the above petition under Rule 181 is granted, Applicants respectfully request that the information disclosure statement filed in September 2004, and the supplemental amendment filed October 2004 be entered, after the entry of the attached response to the January 2004 Office action.

2) Revival (Rule 137(b))

In the event the above petition under Rule 181 is denied, Applicants respectfully request revival under Rule 137(b).

Applicant received a Notice of Abandonment from the U.S. Patent and Trademark Office (USPTO) dated January 12, 2006, indicating that the above-identified application has been abandoned for failure to timely reply to the Office Action mailed on January 26, 2004. In response thereto, Applicants are filing the present petition under Rule 137(b) to revive the application, along with the response indicated to be due. Further, Applicants state that, as described in more detail below, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

(a) The Notice of Abandonment dated January 12, 2006 indicates that a timely reply to the Office Action was not filed. As noted above, said Office action was never received. Nevertheless, Applicants have included herewith the reply; including a fee transmittal for, and to authorize

payment of any further fees due, from deposit account 06-1510. If there are insufficient funds, please charge the fees to deposit account 06-1505.

(b) Authorization for the petition fee is included herewith.

(c) The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. As noted above, Applicants did not receive the January 2004 Office action and thus did not know that any response was due.

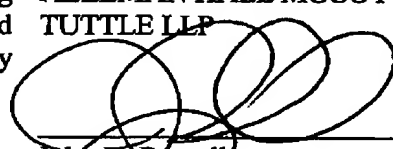
CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300 on January 18, 2006.


Lauren Barberena

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &
TUTTLE LLP


John D. Russell
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Facsimile: (503) 459-4142

Kolisch Hartwell, P.C.

Time Matters Docket Report

Attachment A

Date Printed: 1/16/2006

FGT.380R 1/07/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Receive OA from PTO? Appln. sent 8/7/03.
FGT.380R 4/07/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Receive OA from PTO? Appln. sent 8/7/03
FGT.380R 5/07/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Receive OA from PTO? Appln. sent 8/7/03
FGT.380R 6/07/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Receive OA from PTO? Appln. sent 8/7/03
FGT.380R 7/07/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Receive OA from PTO? Appln. sent 8/7/03
FGT.380R 8/07/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Receive OA from PTO? Appln. sent 8/7/03
FGT.380R 9/07/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Receive OA from PTO? Appln. sent 8/7/03
FGT.380R 10/07/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Receive OA from PTO? Appln. sent 8/7/03
FGT.380R 10/12/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN File amendment today - amend claims
FGT.380R 10/12/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Postcard Returned from PTO sent 10/12/04
FGT.380R 10/23/2004	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Postcard Returned from PTO sent 9/23/04
FGT.380R 1/27/2005	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Postcard Returned from PTO sent 9/23/04
FGT.380R 2/12/2005	JDR PVR	Staff: John D Russell	FGT380R - FLOW IMPROVEMENT VANES IN THE INTAKE SYSTEM OF AN Receive further OA? Last resp sent 10/12/04